The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte IRENE MAUROMMATI
and DEIRDRE J.M. VAN VELZEN

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Appeal No. 2002-0556
Application No. 09/177,960

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ON BRIEF

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MAILED

OCT 2 9 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before HAIRSTON, KRASS, and JERRY SMITH, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 10.

The disclosed invention relates to a system and method for enabling a user to select a first icon from a set of first icons in a timed loop, and, in response to selection of the first icon, enabling the user to select a second icon from a second set of icons in a timed loop.

Claim 1 is illustrative of the claimed invention, and it reads

as follows:

1. An information processing system comprising:

a display,

processing means, arranged for displaying in a first field on
the display a first sequence of first icons in a timed loop and
repeatedly making the currently displayed first icon selectable,
and

selecting means, arranged for selecting the selectable first
icon, characterised in that

the processing means are arranged for displaying, upon
selection of the selectable first icon, in a second field on the
display a second sequence of second icons in a timed loop and for
repeatedly making the currently displayed second icon selectable,
and

that the selecting means are arranged for selecting the
selectable second icon.

The references relied on by the examiner are:

Steele et al. (Steele)   5,742,779   Apr. 21, 1998

"Dynamic Icon Presentation," IBM Technical Disclosure Bulletin,
Vol. 35, No. 4B, Sept. 1992, pages 227 through 232 (hereinafter IBM
TDB).

Claims 1 through 10 stand rejected under 35 U.S.C. § 103(a) as

being unpatentable over Steele in view of the IBM TDB.

Reference is made to the brief (paper number 11) and the

answer (paper number 12) for the respective positions of the

appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the obviousness rejection of claims 1 through 10.

According to the examiner (answer, page 3), Steele displays in a first field a first sequence of first icons (i.e., actors, actions, placement, modifiers, things and other) that belong to the parent TOLFA (Figure 7A), and, upon user selection of the first icon, displays in a second field a second sequence of second icons (i.e., home, hospital and school) from which the user can select a second icon (Figure 7B). The examiner acknowledges (answer, page 3) that "Steele fails to teach the displaying of a sequence of icons in a timed loop and repeatedly making the currently displayed icon selectable to be applicable to both the first and second sequence of icons." The examiner recognizes (answer, pages 3 and 4) that the IBM TDB teaches the use of a timed sequence of icons to "greatly compact the presentation of a plurality of icons while allowing selection of one of the plurality of icons." Based upon this IBM TDB teaching, the examiner concludes (answer, page 4) that "[i]t would have been obvious to an artisan at the time of the invention to apply IBM TDB's teaching with Steele's method at each hierarchical level in order to provide a more compact presentation resulting in a more efficient use of screen real estate."

Appellants argue (brief, pages 5 and 6) that the examiner is using impermissible hindsight reconstruction to arrive at the claimed invention, that the skilled artisan would have to ignore all of the teachings of Steele to make the suggested combination of reference teachings, that the replacement of Steele's elevator display with a hierarchy-dependent display would effectively replace Steele's teachings in their entirety, and that "neither Steele nor the IBM TDB, individually or collectively, teach or suggest the sequential display of a first sequence of icons in a first field, and a sequential display of a second sequence of icons in a second field, as specifically taught and claimed by the Applicants."

We agree with the examiner's reasoning that the display screen anti-clutter teachings of the IBM TDB would have suggested to the skilled artisan that the icons in Figure 7A of Steele be placed in a timed loop in the displayed field, and that the icons in Figure 7B of Steele be placed in a timed loop in a displayed field after the "things" icon is selected by the user. The modified teachings of Steele would indeed be changed from a cluttered static display to an uncluttered display as taught by the IBM TDB. Appellants' arguments to the contrary notwithstanding, the examiner had no need to resort to impermissible hindsight to demonstrate the obviousness

of using a timed loop sequential display of icons in lieu of the
icon display disclosed by Steele. Appellants' arguments concerning
hierarchy-dependent displays are not commensurate in scope with the
invention set forth in claim 1. Appellants' arguments concerning
the two claimed fields are not convincing of the nonobviousness of
the claimed invention because nothing in claim 1 on appeal requires
that the first and second fields be concurrently displayed on the
display. In summary, the obviousness rejection of claim 1 is
sustained. The obviousness rejection of claims 2 through 10 is
likewise sustained because appellants have chosen to let all of the
claims on appeal stand or fall together (brief, page 4).

DECISION

The decision of the examiner rejecting claims 1 through 10
under 35 U.S.C. 103 is affirmed.

No time period for taking any subsequent action in connection
with this appeal be extended under 37 CFR 1.136(a).

AFFIRMED

KENNETH W. HAIRSTON)
Administrative Patent Judge)
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) BOARD OF PATENT
ERROL A. KRASS) APPEALS
Administrative Patent Judge) AND
) INTERFERENCES
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